

Name of Person Filing:

Address:

City, State, Zip code:

Telephone Number:

Representing ☐ Self (Without a Lawyer) OR ☐ Attorney for ☐ Petitioner OR ☐ Respondent

SUPERIOR COURT OF ARIZONA IN MARICOPA COUNTY

In the Marriage of: _____

Petitioner's Name _____

and _____

Respondent's Name _____

)
)
)
)
)
)
)

Case No. _____

MOTION AND AFFIDAVIT FOR DEFAULT DIVORCE WITHOUT A COURT HEARING

STATE OF ARIZONA)
County of Maricopa) ss.

I am the Petitioner and I am asking the court to enter a ***“Decree of Dissolution of Marriage by Default Without a Court Hearing.”*** (Rule 55(b)(1)(ii), Arizona Rules of Civil Procedure.) I have put a check mark in each box in front of the statements below that are true and I understand that if any statement is not true, I cannot get a default divorce without a hearing.

- ☐ I have read this ***“Motion and Affidavit for Default Divorce Without a Court Hearing”*** and to the best of my knowledge everything I have said is true.
- ☐ I have paid the filing and service fees or the filing and service fees have been waived or deferred. A copy of the receipt showing payment or a copy of the Order showing that the fees have been waived or deferred is attached.
- ☐ I am competent and sane. To the best of my knowledge, Respondent is competent and sane.
- ☐ At least 64 days have passed since the Respondent was served with the dissolution papers. Service was not done by publication.
- ☐ The Respondent has not made an appearance in this matter or filed a ***“Response.”*** I have filed the ***“Application for Default”*** and Default has been entered against the Respondent.
- ☐ I have or Respondent has lived in the State of Arizona for a least 90 consecutive days prior to the date the Petition for Dissolution was filed.
- ☐ Conciliation Services provisions have been met since the filing of the Petition for Dissolution of Marriage or the provisions do not apply. (A.R.S. 25-381.09).
- ☐ The marriage is irretrievably broken.

- ☐ There are no minor children, common to the parties, who were born before or during the marriage, or who were adopted by the parties during the marriage. Petitioner/Respondent, to my knowledge, is not pregnant.
- ☐ Neither the Petitioner nor the Respondent has any interest in real property (for example, land or houses).
- ☐ Neither Petitioner nor Respondent has made a claim for spousal maintenance/support. A claim for spousal maintenance/support is deemed waived by both parties.
- ☐ The total amount of bills and debts incurred by the parties during the marriage is less than \$10,000.
- ☐ The total fair market value of community assets is less than \$15,000, after the parties subtract any monies owed on the assets. I have listed the assets and the value of each asset on the attached piece of paper.
- ☐ All of the allegations, including those concerning property and debts listed in the ***"Petition for Dissolution of Marriage"*** were true at the time I filed the ***"Petition for Dissolution of Marriage"*** and remain true as of the date of the filing of this Motion and Affidavit. **If the allegations are no longer true, you need to tell the court why the allegations are no longer true.**

-
- ☐ Everything in the ***"Petition for Dissolution of Marriage"*** concerning who gets the property and who pays the bills/debts is fair and reasonable. If applicable, attorney fees are itemized on the paper attached to this Motion and Affidavit.
- ☐ The relief to be awarded in the attached ***"Decree of Dissolution of Marriage"*** is the same as the relief I requested in the ***"Petition for Dissolution of Marriage"*** OR if the relief to be awarded is different, it has been approved by both parties, as reflected in the ***"Decree of Dissolution of Marriage"*** and signed by both parties.

Therefore, I request this court to sign the attached ***"Decree of Dissolution of Marriage."***

Petitioner's Signature

Subscribed and sworn to before me this ____ day of _____, _____.

Notary Public

My Commission Expires: